

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

OCT 11 2011

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Cheryl Denton-Lawrence)

_____)

_____)

_____)

_____)

(Name of the plaintiff or plaintiffs))

v.)

_____)

City of Chicago)

_____)

_____)

_____)

(Name of the defendant or defendants))

CIVIL ACTION

11-cv-07167

Judge Samuel Der-Yeghiayan

Magistrate Judge Maria Valdez

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Cheryl Denton-Lawrence of the

county of Cook in the state of Illinois.

3. The defendant is City of Chicago, whose

street address is 121 N. LaSalle,

(city) Chicago (county) Cook (state) IL (ZIP) 60602

(Defendant's telephone number) () - _____

4. The plaintiff sought employment or was employed by the defendant at (street address)

1411 W. Madison (city) Chicago

(county) Cook (state) IL (ZIP code) _____

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☒ was hired and is still employed by the defendant. *medical leave*
- (c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,
(month) January, (day) _____, (year) 2008.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☐ *has not* filed a charge or charges against the defendant ☒ *has* asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☐ the United States Equal Employment Opportunity Commission, on or about
(month) _____ (day) _____ (year) _____.

(ii) ☒ the Illinois Department of Human Rights, on or about
(month) 9 (day) 29 (year) 10.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

- ☐ Yes (month) _____ (day) _____ (year) _____
- ☐ No, did not file Complaint of Employment Discrimination
- (b) The plaintiff received a Final Agency Decision on (month) _____
(day) _____ (year) _____.
- (c) Attached is a copy of the
- (i) Complaint of Employment Discrimination,
☐ YES ☐ NO, but a copy will be filed within 14 days.
- (ii) Final Agency Decision
☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

- (a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.
- (b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on
(month) 7 (day) 7 (year) 2011 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☒ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☒ other (specify): Perceived Disability under ADA
-

13. The facts supporting the plaintiff's claim of discrimination are as follows:

See attached charge.

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ Direct the defendant to (specify): _____

- _____
- _____
- _____
- _____
- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Cheryl Denton - Lawrence

(Plaintiff's name)

Cheryl Denton - Lawrence

(Plaintiff's street address)

330 W. 42nd Place

(City) Chicago (State) IL (ZIP) 60609

(Plaintiff's telephone number) (773) - 548-8189

Date: 10/11/11



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

CERTIFIED MAIL
2011 2179

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4239
Washington, DC 20530

August 3, 2011

Ms. Cheryl Denton-Lawrence
c/o Barry A. Gomberg, Esquire
Law Office of Barry A. Gomberg & Assocs.
Attorney at Law
53 W. Jackson Blvd., Ste. 1350
Chicago, IL 60604

Re: EEOC Charge Against City of Chicago, et al.
No. 21B201100066

Dear Ms. Denton-Lawrence:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title I of the Americans with Disabilities Act of 1990, 42 U.S.C. 12111, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

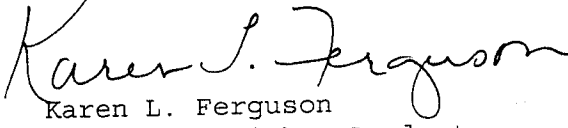
The investigative file pertaining to your case is located in the EEOC Chicago District Office, Chicago, IL.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Thomas E. Perez
Assistant Attorney General
Civil Rights Division

by


Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Chicago District Office, EEOC
City of Chicago, et al.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
TRANSMITTAL TO DEPARTMENT OF JUSTICE OF REQUEST FOR
NOTICE OF RIGHT TO SUE

(The attached charge involves state/local government or political subdivisions, including public education institutions.)

TO: DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION EMPLOYMENT LITIGATION SECTION, PHB 950 PENNSYLVANIA AVE., NW WASHINGTON, D.C. 20530	FROM (Area or District Name/Address): CHICAGO DISTRICT OFFICE 500 WEST MADISON ST SUITE 2000 CHICAGO, IL 60661 OFFICE WHERE CASE FILE IS LOCATED: (If different from above)
--	---

NOTICE OF RIGHT TO SUE TO BE ISSUED BASED ON THE INFORMATION PROVIDED BELOW

NAME/ADDRESS OF CHARGING PARTY TO WHOM NOTICE IS TO BE ADDRESSED: Cheryl Denton-Lawrence 330 W 42nd Place Chicago, IL 60609 <input type="checkbox"/> Charging party has filed the charge on behalf of an aggrieved person whose identity is confidential (29 CFR 1601.7(a)).	IF CHARGE WAS THIRD PARTY CHARGE, NAME AND ADDRESS OF AGGRIEVED PERSON TO WHOM NOTICE IS TO BE SENT:
---	--

NAME/ADDRESS OF RESPONDENT(S) AND EEOC CHARGE NUMBER(S) CITY OF CHICAGO 21B-2011-00066 2011CF1005 121 N Lasalle St, Chicago, IL 60602	
--	--

ATTACHED IS A REQUEST FOR NOTICE OF RIGHT TO SUE FOR THE ABOVE CHARGE(S) AND OTHER ATTACHED DOCUMENTS AS INDICATED BELOW:

LETTER OF REQUEST FROM:
☒ CHARGING PARTY DATED: Jul 06, 2011 ☐ ATTORNEY FOR CHARGING PARTY DATED _____

ATTACHMENTS: ☒ ORIGINAL CHARGE ☐ AMENDED CHARGE ☐ CAUSE DETERMINATION (if issued) DATED _____

THE CHARGE WAS FILED (Filing Date) September 29, 2010

☐ Less than 180 days have elapsed since the filing date. I certify that the Commission's processing of this charge will not be completed within 180 days from the date shown above.

☐ Please indicate on the Notice of Right To Sue that the Commission will continue to process this charge.

NAME AND TELEPHONE NUMBER OF CONTACT PERSON (Use FTS No.) ARMERNOLA P. SMITH, (312) 869-8082	DATE
TYPED NAME OF EEOC OFFICIAL JOHN P. ROWE	SIGNATURE <i>John P. Rowe/mph</i>

DEPARTMENT OF JUSTICE USE ONLY									
<input type="checkbox"/> RS	<input type="checkbox"/> OMITATTY#			<input type="checkbox"/> DCT			<input type="checkbox"/> FILE		
1	2	3	4	5	6	7	8	9	10

REMARKS

CHARGE OF DISCRIMINATION		CHARGE NUMBER 2011CF1005	
This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.		AGENCY <input checked="" type="checkbox"/> IDHR <input type="checkbox"/> EEOC	
# 11WO929-19			
Illinois Department of Human Rights and EEOC			
NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.) Ms. Cheryl Denton-Lawrence		TELEPHONE NUMBER (include area code) (773) 548-8189	
STREET ADDRESS 330 West 42nd Place		CITY, STATE AND ZIP CODE Chicago, Illinois 60609	DATE OF BIRTH 12 / 12 / 1958 M D YEAR
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME OF RESPONDENT City of Chicago		NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE (Include area code) (312) 744-4966
STREET ADDRESS 121 North LaSalle Street		CITY, STATE AND ZIP CODE Chicago, Illinois 60602	COUNTY Cook
CAUSE OF DISCRIMINATION BASED ON: Disability, Perceived Disability, Failure to Accomodate		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS:			
SEE ATTACHED			
Page 1 of		DEPT OF HUMAN RIGHTS INTAKE UNIT SEP 29 2010 RECEIVED	
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. Cheryl Denton - Lawrence		SUBSCRIBED AND SWORN TO BEFORE ME THIS 29 DAY OF September, 2010. [Signature] NOTARY SIGNATURE	
NOTARY SEAL CURTIS R. BROWN NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 10/24/2011 NOTARY STAMP		X Cheryl Denton - Lawrence 9/29/10 SIGNATURE OF COMPLAINANT DATE I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief	

Cheryl Denton-Lawrence - Employee ID # 17564
Charge of Discrimination
Page 2 of 2

I. A. ISSUE/BASIS

Failure to Accommodate - January 2008 and continuing, because of my actual and/or perceived physical disability.

B. PRIMA FACIE ALLEGATIONS

1. I am an individual with a disability within the meaning of Section 1-103(I) of the Human Rights Act.
2. I began my employment with Respondent on May 16, 2000. I began working at my present work location as a dispatch clerk on January 6, 2008 after I was laid off from my prior position with Respondent.
3. I suffer from a chronic sinus condition and respiratory problems which are exacerbated by my present physical work location. The temperatures at my assigned work location are too cold for my condition, resulting in my inability to work without an accommodation. I have been required to take medical leave as of April 6, 2008.
4. Respondent is aware of my disability. Respondent perceived me as having a disability. I have been requesting an accommodation of a transfer to a warmer job environment in accordance with my doctor's recommendations for the last two years, from approximately April 2008 to the present. I have not been accommodated. As a result, I was forced to go on unpaid medical leave.
5. My disability is unrelated to my ability to perform my job duties.
6. My performance was as good, if not better, than other non-disabled employees of Respondent.
7. As a result of the aforementioned discrimination, Respondent has caused Complainant to suffer significant emotional distress.
8. As a result of the aforementioned discrimination, Respondent has caused Complainant to suffer significant pecuniary loss.